

OFFICIAL COPY

Fresno, California

September 26, 2013

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present: Oliver Baines III	Councilmember
Lee Brand	Councilmember – Arrived shortly thereafter.
Steve Brandau	Acting Council President
Paul Caprioglio	Councilmember
Clinton Olivier	Councilmember
Sal Quintero	Councilmember
Blong Xiong	Council President

Bruce Rudd, City Manager
Renena Smith, Assistant City Manager - Absent
Doug Sloan, City Attorney
Yvonne Spence, City Clerk
Cindy Bruer, Deputy City Clerk

Pete Menjares, President of Fresno Pacific University gave the invocation and President Xiong led the Pledge of Allegiance.

PRESENTATION OF A LETTER OF RECOGNITION TO THE GUZMAN FAMILY IN HONOR OF MR. P. "GUZ" GUZMAN –
ACTING PRESIDENT BRANDAU

RECOGNITION OF SISTER CITIES EXCHANGE STUDENTS – MAYOR'S OFFICE

PRESENTATION OF CERTIFICATES TO CITY OF FRESNO PARCS EMPLOYEES WHO VOLUNTEERED FOR THE
CARNIVAL AT THE MOSQUEDA CENTER HELD ON SEPTEMBER 7, 2013 – COUNCILMEMBER QUINTERO

The above presentations were made. Councilmember Brand left the meeting at 9:09 a.m.

APPROVE CITY COUNCIL MINUTES OF SEPTEMBER 12 and 18, 2013

On motion of Councilmember Caprioglio, seconded by Acting President Brandau, duly carried, RESOLVED, the minutes of September 12 and 18, 2013, approved as submitted.

APPROVE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MINUTES OF SEPTEMBER 12, 2013

On motion of Councilmember Baines, seconded by Acting President Brandau, duly carried, RESOLVED, the minutes of September 12, 2013, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

Acting President Brandau congratulated the Fresno State Bulldogs for winning Friday night's football game with a score of 41 - 40. Councilmember Caprioglio stated he attended the League of California Cities Convention in Sacramento last week and stated he met numerous people who represented different cities throughout the State of California and they were able to share challenges occurring in Fresno and received excellent information. Councilmember Brand returned to the meeting at 9:13 a.m.

APPROVE AGENDA:

(10:30 A.M.) HEARING TO CONSIDER REZONE APPLICATION NO. R-12-009 AND ENVIRONMENTAL FINDING, FILED BY RON WATHEN OF QUAD KNOPF, INC., ON BEHALF OF GREG VAN DAM OF CENTEX HOMES, PERTAINING TO APPROXIMATELY 473 ACRES OF PROPERTY LOCATED IN THE FANCHER CREEK DEVELOPMENT PROJECT AREA
#1 CONSIDER THE ENVIRONMENTAL FINDING OF ENVIRONMENTAL ASSESSMENT NO. R-12-009, A FINDING OF CONFORMITY WITH THE 2025 FRESNO GENERAL PLAN MEIR AND AIR QUALITY MITIGATED NEGATIVE DECLARATION, DATED APRIL 26, 2013, WITH THE ADDENDUM DATED JULY 2, 2013

#2 BILL - AMENDING THE OFFICIAL ZONE MAP TO REMOVE TWO (2) EXISTING CONDITIONS OF ZONING ON THE SUBJECT PROPERTY LISTED IN ORDINANCE BILL NO. 2005-51 AS PART OF REZONE APPLICATION NO. R-04-014 AND ORDINANCE BILL NO. 2005-138 AS PART OF REZONE APPLICATION NO. R-05-050

City Clerk Spence announced the applicant requested the above entitled hearing be continued with the date and time to be determined later.

On motion of Councilmember Brand seconded by Acting President Brandau, duly carried, **RESOLVED**, the **AGENDA** hereby approved *as amended*, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

(1-A) APPROVE THE APPOINTMENT OF JOHN MCCracken TO THE BICYCLE AND PEDESTRIAN ADVISORY BOARD – COUNCILMEMBER QUINTERO

(1-C) BILL NO. B-30 – TO DISSOLVE COMMUNITY FACILITIES DISTRICT NO. 2005-1 (VESTING TRACT MAP NO. 5350/RUNNING HORSE) AND THE LEVY OF THE SPECIAL TAX AND ORDERING THE RECORDATION OF AN ADDENDUM TO THE NOTICE OF SPECIAL TAX LIEN (PROPERTY BOUNDED BY W. WHITES BRIDGE AVENUE, S. HUGHES AVENUE, W. CHURCH AVENUE AND S. MARKS AVENUE)

(1-D) BILL NO. B-31 –DISSOLVING COMMUNITY FACILITIES DISTRICT NO. 14 (FINAL TRACT MAP NO. 5350/RUNNING HORSE) AND THE LEVY OF THE SPECIAL TAX AND ORDERING THE RECORDATION OF AN ADDENDUM TO THE NOTICE OF TAX LIEN (PROPERTY SURROUNDED BY W. KEARNEY BOULEVARD, W. WHITES BRIDGE AVENUE, S. MARKS AND HUGHES AVENUES)

(1-E) APPROVE AN AMENDMENT TO THE SUBDIVISION AGREEMENT WITH LENNAR FRESNO, INC., FOR THE FINAL MAPS OF TRACT NO. 5427, PHASE 1 OF VESTING TENTATIVE MAP NO. 5427, AND TRACT NO. 5686, PHASE 2 OF VESTING TENTATIVE MAP NO. 5427

(1-F) APPROVE A ONE-YEAR EXTENDED MAINTENANCE AGREEMENT AND A REDUCED-COST TIME AND MATERIALS CONTRACT BETWEEN THE CITY OF FRESNO AND TRAPEZE SOFTWARE GROUP, INC., IN THE AMOUNT OF \$324,642, WITHOUT ADVERTISED COMPETITIVE BIDDING AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE ALL CONTRACT DOCUMENTS ON BEHALF OF THE CITY OF FRESNO

(1-G) APPROVE THE SUBSTITUTION OF A LISTED SUBCONTRACTOR PERTAINING TO THE NORTH FRESNO WASTEWATER RECLAMATION FACILITY DISINFECTION REPLACEMENT

(1-H) APPROVE THE APPOINTMENT OF KIM JACKSON TO THE CITY OF FRESNO DEFERRED COMPENSATION BOARD

(1-I) RESOLUTION NO. 2013-162 - 14TH AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION (AAR) NO. 2013-98 APPROPRIATING \$57,000 IN COUNCIL DEPARTMENT OPERATING AND CAPITAL INFRASTRUCTURE FUNDS BASED ON THE CARRYOVER BALANCES FROM FISCAL YEAR 2013

(1-K) APPROVE THE APPOINTMENT OF ROBIN GOLDBECK TO THE HISTORIC PRESERVATION COMMISSION – MAYOR’S OFFICE

On motion of Acting President Brandau, seconded by Councilmember Brand, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, *as amended*, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

CONTESTED CONSENT CALENDAR:

(1-J) RESOLUTION NO. 2013-163 - 15TH AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION (AAR) NO. 2013-98 APPROPRIATING \$100.00 FROM THE NUEVA SCHOOL FOR THE PARKS, AFTER SCHOOL, RECREATION AND COMMUNITY SERVICES DEPARTMENT FOR PARK IMPROVEMENTS

City Manager Rudd reviewed the issue and recommended approval, all as contained in the staff report as submitted, and introduced the 4th grade class at Nueva Elementary School via Skype who raised \$200.00 from a farmer’s market class project and they donated \$100.00 to the PARCS department to buy various equipment for the youth in the community. Kopi and Tyler, students at Nueva School spoke to Council and emphasized the importance of helping youth. Councilmember Olivier left the meeting at 9:20 a.m. President Xiong and Councilmember Baines thanked the students for their hard work.

On motion of Councilmember Baines, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution No. 2013-163 hereby adopted, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Quintero, Xiong
Noes	:	None
Absent	:	Olivier

(1-B) RESOLUTION NO. – 2013-164 – 11TH AMENDMENT TO THE ANNUAL APPROPRIATING RESOLUTION (AAR) NO. 2013-98 APPROPRIATING \$225,400 FROM THE 2013 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM AWARD, FROM THE U.S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE

Councilmember Quintero questioned whether the \$225,000 was going back into the General Fund and whether it was anticipated in the 2014-2014 budget with Deputy Chief of Police Navarez and CM Rudd responding.

On motion of Councilmember Quintero, seconded by Councilmember Brand, duly carried, RESOLVED, the above entitled Resolution No. 2013-164 hereby adopted, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Quintero, Xiong
Noes	:	None
Absent	:	Olivier

(2-I) RESOLUTION NO. 2013-165 - APPROVING HONORARY STREET NAME CHANGE DESIGNATING ECHO AVENUE TO ALSO BE KNOWN AS TOM SEAVER LANE

President Xiong thanked staff for their hard work to bring this item forward. Councilmember Olivier returned to the meeting at 9:25 a.m. Speaking in support were: Carol Mills, representing Trustee Area 5 of the Fresno Unified School Board who gave a brief

history of Tom Seaver, and stated Mr. Seaver graduated from Fresno High School in 1962 and was in the Baseball Hall of Fame, and recommended approval; Tom Summers, spoke in support, adding Tom Seavers was a great pitcher and won 311 ball games, and struck out 3600 ball players during his career; Pete Mehas, Superintendent of Fresno County Schools stated it was appropriate to name the street, adding the merchants in the Fresno High area were supportive and encouraged approval.

On motion of President Xiong, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2013-165 hereby adopted, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

(2-A) RESOLUTION NO. 2013-166 – AMENDING THE BETTER BUSINESS ACT WHEN CITY DOES NOT REASONABLY EXPECT REPAYMENT OF A LOAN

Councilmember Brand reviewed the item, stating this was an old HOME loan from the 1980's and the City of Fresno was the beneficiary on the note, stating the current owner would like to renovate the property, adding in order to renovate, the City of Fresno needed to write-off the loan.

Speaking to the issue was: Dirk Poeschel, who was representing Annadale Partners stated he was looking forward to coming back to Council with a specific project that would provide quality housing. Councilmember Brand stated he was confident this was a one time deal and if approved would provide an improvement to the City.

On motion of Councilmember Brand, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution No. 2013-166 hereby adopted, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

(9:00 A.M.) SCHEDULED COMMUNICATION- APPEARANCE BY MOSES MENCHCA, FRESNO STATE STUDENT BODY PRESIDENT TO ADDRESS THE STUDENT REVITALIZATION EFFORTS SURROUNDING FRESNO STATE

Moses Menchca, Fresno State Student Body President thanked the City Council and gave a special thank you to Councilmember Caprioglio for their efforts on community revitalization and stated students were continually trying to revitalize surrounding communities and thanked Councilmember Caprioglio for helping with the National Night Out event and for replacing lights in the surrounding community. Councilmember Caprioglio commended the students and expressed the importance of accomplishing project through team effort. President Xiong extended an invitation to the students to come to a Council meeting anytime to provide updates on the accomplishment the student body had completed.

(2-B) ACTIONS PERTAINING TO THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF) PROGRAM FOR THE FRONT-LINE LAW ENFORCEMENT OPERATIONS

#1 APPROVE THE PROPOSED SPENDING PLAN FOR THE FISCAL YEAR 2013-214 STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF)

#2 RESOLUTION NO. 2013-167 - 13TH AMENDMENT TO THE ANNUAL APPROPRIATION RESOLUTION (AAR) NO. 2013-98 APPROPRIATING \$615,200 FOR FRONT-LINE LAW ENFORCEMENT OPERATIONS INTO THE FISCAL YEAR 2014 BUDGET

Councilmembers Brand and Brandau left the meeting at 9:40 a.m. Deputy Police Chief Navarez reviewed the issue and recommended approval, all as contained in the staff report as submitted.

On motion of Councilmember Baines, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the proposed spending plan for the fiscal year 2013-2014 State of California Supplemental Law Enforcement Services Fund hereby approved, the above entitled Resolution No. 2013-167 hereby adopted, by the following vote:

Ayes : Baines, Caprioglio, Olivier, Quintero, Xiong
Noes : None
Absent : Brand, Brandau

(2-C) ADOPT THE BUS RAPID TRANSIT SUBSEQUENT ENVIRONMENTAL MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM

City Manager Rudd reviewed the issue and recommended approval, all as contained in the staff report as submitted and recommended approval. Councilmember Brand returned to the meeting at 9:42 a.m. CM Rudd stated the proposed project included Ventura Avenue, Kings Canyon Avenue, and Blackstone Avenue BRT, adding there were concerns about the impacts the bus access transit lanes had on local businesses along Ventura corridor, adding staff evaluated the impact of those lanes, met with businesses and evaluated the potential impact by eliminating the BAT lanes from the proposed project, stating this report was a follow-up on the environmental impact associated with the elimination of the BAT lanes.

Speaking to the issue was Mike Wells, 535 N Fulton who spoke in support of moving forward with the project, adding this was an important part of General Plan Update. Acting President Brandau returned to the meeting at 9:45 a.m.

Councilmember Olivier requested staff review the process of how the BAT lanes were removed from Kings Canyon with Councilmember Quintero stating consultants were hired and met with businesses and property owners, adding there were three public meetings held at the Fairground offices and several of the businesses attended and expressed some concerns and provided the reasoning for choosing the area of Cedar and First Street. Councilmember Olivier questioned how the businesses on Blackstone Avenue were notified, adding he had talked to some businesses and was informed by some young people who dropped off flyers with no in depth conversation about what was going to occur, adding Blackstone Avenue was the center of commerce for the City from downtown to Riverpark Shopping Center, adding he was not aware of any public hearings being held. CM Rudd stated Ventura Avenue was much narrower than Blackstone Avenue, adding Blackstone had plenty of width to accommodate BRT and the stations. Councilmember Olivier stated he felt this was a big issue on Blackstone Avenue and stressed the importance needing more outreach to the affected businesses and engaging business owner in the process. CM Rudd stated he would work with Councilmember Olivier's Office to facilitate an outreach process. Councilmember Olivier stated this was a major project and no one on Blackstone Avenue was aware, adding this project was a bigger issue than the Fulton Mall, stating this project would affect multiple businesses and thousands of residents that use Blackstone Avenue on a daily basis, adding this project would cost approximately \$49 million and would cost millions to maintain in the future.

Councilmember Olivier questioned whether a calculation was done showing if people use buses more and how would it impact the parking funds, with CM Rudd stating to persuade people to use more bus transportation the parking fees needed to be raised, adding currently the cost to park per month was \$35.00 and bus fare was \$44.00 per month. Councilmember Olivier stated he appreciated all of staff's work on the project and expressed his concerns with the current transit system not taking people home who work swing shift as well as provide bus service to college students coming home from night school, adding he felt the transit system was a major factor to revitalize the community. Councilmember Olivier stated a great mix of people use the public transportation, adding the system had failed because the current system did not have the capability to take people home at night.

CM Rudd responded to questions/comments by Acting President Brandau relating to public outreach to businesses on Blackstone Avenue with CM Rudd stating there was adequate time to address all the concerns relating to Blackstone Avenue. A motion was made by Councilmember Olivier to continue the project in order to adequately facilitate an outreach program to businesses along Blackstone corridor and Acting President Brandau seconded the motion.

Councilmember Baines questioned whether the agenda item was time sensitive with CM Rudd stating to continue to project indefinitely pushed the project out further, adding when the City Council adopted the General Plan, this project was included in Alternative "A" and the funding was a dedicated grant from the Federal Transit Administration that could only be used for bus rapid transit. CM Rudd stated this investment was primarily for those who do not have the luxury or ability to drive a car, stating the City

had a \$49 million grant that would provide the capital and the revenues had been identified that would sustain the project. CM Rudd stated the project was extremely important to revitalize downtown and the two involved corridors. Councilmember Baines questioned whether the vote today was for a vote on the Mitigated Negative Declaration for the entire BRT project or just for the BAT lanes with CM Rudd stating the action was for entire BRT project. Councilmember Baines concurred with providing more outreach to people on Blackstone Avenue and there needed to be more deliberations on the project and requested a timeline be provided.

Councilmember Olivier amended his motion to delay the project 45 days and Councilmember Baines seconded the motion.

Councilmember Olivier stated if this item was brought forward and called "Robust Bus Service" and it was to purchase more busses and hire more drivers to serve people, adding he was only relaying concerns raised from his constituents and emphasizing the important of providing services to the working class, students and the elderly, and stated we should be fighting for a more robust bus service.

With Council consensus the above entitled item was continued to November 7, 2013.

(2-D) AWARD A FIVE-YEAR REQUIREMENTS CONTRACT TO BRIDGESTONE AMERICAN TIRE OPERATIONS, LLC OF NASHVILLE, TENNESSEE, FOR THE LEASING OF TRANSIT RADIAL TIRES IN THE AMOUNT OF \$1,599,911.13

Assistant Transportation Director Schaad reviewed the issue and recommended approval, all as contained in the staff report as submitted and recommended approval. Councilmember Caprioglio left the meeting at 10:19 a.m. Mr. Schaad responded to questions by Councilmember Quintero pertaining to not receiving any local bids and the cost of a five year lease versus a one year lease.

On motion of Councilmember Olivier, seconded by Councilmember Brand, duly carried, RESOLVED, a five year requirements contract to Bridgestone American Tire Operations, LLC of Nashville, Tennessee in the amount of \$1,599,911.13 for the leasing of transit radial tires hereby awarded, by the following vote:

Ayes	:	Baines, Brand, Brandau, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	Caprioglio

(2-E) ITEM REMOVED FROM THE AGENDA

(2-F) ACTIONS PERTAINING TO THE VAN NESS AVENUE PAVEMENT OVERLAY FROM INYO STREET TO RAILROAD AVENUE PROJECT

#1 ADOPT FINDING OF CATEGORICAL EXEMPTION PER STAFF DETERMINATION, PURSUANT TO SECTION 15301(C) OF THE CEQA GUIDELINES, FOR THE VAN NESS AVENUE PAVEMENT OVERLAY FROM INYO STREET TO RAILROAD AVENUE PROJECT

#2 AWARD A CONSTRUCTION CONTRACT WITH A. TEICHERT AND SON INC. DBA TEICHERT CONSTRUCTION COMPANY OF FRESNO, CALIFORNIA, IN THE AMOUNT OF \$598,990 FOR THE VAN NESS AVENUE PAVEMENT OVERLAY FROM INYO STREET TO RAILROAD AVENUE PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE STANDARDIZED CONTRACT ON CITY'S BEHALF

Councilmember Caprioglio returned to the meeting at 10:24 a.m. and Councilmember Brand left briefly. Design Services Manager Goonawardena reviewed the issue and recommended approval, all as contained in the staff report as submitted.

On motion of Councilmember Baines, seconded by Councilmember Olivier, duly carried, RESOLVED, the finding of Categorical Exemption hereby adopted, the construction contract awarded to A. Teichert and Son Inc., DBA Teichert Construction Company in the

amount of \$598,990 for the Van Ness Avenue Pavement overlay from Into Street to Railroad Avenue project hereby approved, and the Director of Public Works, or designee, authorized to sign the standardized contract on behalf of the City, by the following vote:

Ayes : Baines, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes : None
Absent : Brand

(2-G) AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$1,798,725.60 (BASE BID PLUS ADDITIVE ALTERNATE NUMBER ONE) TO JIM CRAWFORD CONSTRUCTION, INC., OF CLOVIS, CALIFORNIA, FOR STREET IMPROVEMENTS ON WILLOW AVENUE BETWEEN BARSTOW AVENUE AND ESCALON AVENUE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE STANDARDIZED CONTRACT ON CITY'S BEHALF

Councilmember Brand returned to the meeting at 10:26 a.m. Public Works Manager Son reviewed the issue and recommended approval, all as contained in the staff report as submitted.

On motion of Councilmember Caprioglio, seconded by Councilmember Brand, duly carried, RESOLVED, the construction contract awarded to Jim Crawford Construction, Inc., of Clovis California in the amount of \$1,798,725.60 for street improvements on Willow Avenue between Barstow Avenue and Escalon Avenue, and the Director of Public Works, or designee, authorized to sign the construction contract on behalf of the City, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes : None
Absent : None

(2-H) RESOLUTION NO. 2013-168 – 516TH AMENDMENT TO THE MASTER FEE SCHEDULE (MFS) RESOLUTION NO. 80-420 TO ADD A PARKING RATE OF \$35.00 PER MONTH PER VEHICLE FOR USE OF THE SANTA FE PARKING LOT LOCATED AT SANTA FE AND KERN STREETS IN DOWNTOWN FRESNO

Parking Manager Estabrooke reviewed the issue and recommended approval, all as contained in the staff report as submitted.

On motion of Councilmember Baines, seconded by Councilmember Brand, duly carried, RESOLVED, the above entitled Resolution No. 2013-168 hereby adopted, by the following vote:

Ayes : Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes : None
Absent : None

(10:00 A.M.) HEARING TO ADOPT RESOLUTIONS AND ORDINANCE TO ANNEX TERRITORY AND LEVY A SPECIAL TAX REGARDING CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 51 (FINAL TRACT MAP NO. 6037) (NORTH EAST CORNER OF N. GARFIELD AND W. BARSTOW AVENUES)

#1 RESOLUTION NO. 2013-169 – ANNEXING TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 11 AND AUTHORIZING THE LEVY OF A SPECIAL TAX

#2 RESOLUTION NO. 2013-170 – CALLING A SPECIAL MAILED-BALLOT ELECTION

#3 RESOLUTION NO. 2013-171 – DECLARING ELECTION RESULTS

#4 BILL NO. B-32/ORDINANCE NO. 2013-30 – LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2013-2014 AND FUTURE YEARS WITH AND RELATING COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 51

President Xiong announced the time had arrived to consider the issue and opened the hearing.

Assistant Public Works Director Mozier reviewed the issue and recommended approval, all as contained in the staff report as submitted.

Speaking in support was: Jeff Roberts, on behalf of Granville Homes, 1396 W. Herndon. Councilmember Olivier left the meeting at 10:30 a.m.

Upon call, no one else wished to be heard and President Xiong closed the public hearing.

On motion of Acting President Brandau, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution Nos. 2013-169, 2013-170 and 2013-171 hereby adopted, Bill No B-32 adopted as Ordinance No. 2013-30 by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Quintero, Xiong
Noes	:	None
Absent	:	Olivier

(10:15 A.M.) HEARING TO ADOPT RESOLUTIONS AND ORDINANCE TO REVISE THE RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAX AND AUTHORIZING THE LEVY A NEW MAXIMUM SPECIAL TAX REGARDING CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 31 (FINAL TRACT MAP NO. 5358) (NORTH SIDE OF W. SPRUCE AVENUE EXTENDING TO THE RIVER BLUFF, BETWEEN N. RIVERSIDE DRIVE AND N. THIELE AVENUE)

#1 RESOLUTION NO. 2013-172 – REVISING THE RATE AND METHOD OF APPORTIONMENT OF THE SPECIAL TAX FOR ANNEXATION NO. 31 AND AUTHORIZING THE LEVY OF A NEW MAXIMUM SPECIAL TAX

#2 RESOLUTION NO. 2013-173 – CALLING A SPECIAL MAILED-BALLOT ELECTION

#3 RESOLUTION NO. 2013-174 – DECLARING ELECTION RESULTS

#4 BILL NO. B-33/ORDINANCE NO. 2013-31 - AMENDING ORDINANCE NO. 2013-17 AND LEVYING A REVISED SPECIAL TAX FOR THE PROPERTY TAX YEAR 2013-2014 AND FUTURE YEARS WITH AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 31

President Xiong announced the time had arrived to consider the issue and opened the hearing. Councilmember Olivier returned to the meeting at 10:32 a.m.

Assistant Public Works Director Mozier reviewed the issue and recommended approval, all as contained in the staff report as submitted, adding this item was a little unique due to it being a previously annexed subdivision to the CFD, adding the developer changed the design of the subdivision which led to a modification of the CFD and had gone through the complete process for this project and recommended approval.

Upon call, no one wished to be heard and President Xiong closed the public hearing.

On motion of Acting President Brandau, seconded by Councilmember Caprioglio, duly carried, RESOLVED, the above entitled Resolution Nos. 2013-172, 2013-173 and 2013-174 hereby adopted, Bill No B-33 adopted as Ordinance No. 2013-31, by the following vote:

Ayes	:	Baines, Brand, Brandau, Caprioglio, Olivier, Quintero, Xiong
Noes	:	None
Absent	:	None

UNSCHEDULED COMMUNICATION

1. Brunette Harris, with HEAT for the Southwest Fresno Community, addressed the issue of all the items Council adopted on today's agenda, the 2035 General Plan and objected to any plan being passed using CDBG money, adding the community was not included in any of the discussions and planning.

2. Steve Wayte, 9421 N. Garden, who spoke to the water rate increase, and stated the first amendment discusses the redress of grievance against government and he was trying to have a re-dress of grievance against the Fresno City Council, adding \$410 million

were being spent in a short period of time, stating it was not fiscally conservative, adding the City did not have money and they turn around and spend \$410 million and advised Council to proceed with caution.

RECESS – 10:38 A.M. - 10:50 A.M.

(10:45 A.M.) WORKSHOP RELATING TO THE LOWELL NEIGHBORHOOD COMMUNITY – COUNCILMEMBER BAINES

Councilmember gave a brief introduction of the people making a presentation. Dr. Randy White, Director of the Center for Community Transformation at Fresno Pacific University and a resident of the Lowell Community for over 20 years, reviewed the transformation process that had taken place, adding it was not all through City resources and funding, but due to neighbors working together to address the neglect. Mr. White stated the Lowell Community had been encouraged to work with the City to make amazing things happen and reviewed some improvements to the area and its school, including less gang activity throughout the neighborhoods and as a result there was rare gun fire, the home ownership had increased and healing was being brought to the area.

Arianna Martinez, 219 Calaveras Street, who spoke of the Lowell Community and Hispanics becoming unified in the desire to seek the prosperity of the Lowell neighborhood and some of the projects they had addressed was the beautification of the neighborhood parks, Zumba classes, and were advocates against slumlords. Ms. Martinez provided tamales for the Councilmembers prepared by her friend Sophia, a Lowell resident, as a token of appreciation and commitment to Council.

Barbara Fisk reviewed projects taking place in the Lowell Community consisting of Dickey Park, Lowell Community Garden, approved housing conditions and the neighborhood newsletter published by volunteers. Racy Skye read a letter written by a college student named Dina who grew up in Lowell Community and described the improvements occurring in the neighborhood.

Councilmember Baines stated the gangs were terrible 9 years ago, adding as a police officer they used every tool available to reduce the gang violence and commended the Lowell Community for their commitment and thanked everyone for coming and sharing their success story about the Lowell's community's transformation.

Acting President Brandau concurred with Councilmember Baines on how it came down to dedicated residents making the difference and the Lowell community could lead by good example for other neighborhoods. Councilmember Caprioglio extended his appreciation in helping with El Dorado Park.

(11:00 A.M.) WORKSHOP RELATING TO ADVOCATES FOR THE HOMELESS – PRESIDENT XIONG

President Xiong stated a workshop presented small groups of people was an opportunity to address Council with various issues and stated it was an effective way to hear from the constituency in a collaborative effort.

Speaking to the issue were: 1) Bill Simon, 4202 N. 9th St, who reviewed Fresno 4-steps home and spoke of the amount of homeless people in the City, and discussed programs and solutions where the homeless can go which would benefit the community until they get permanent housing and stated everyone needed to work together to get this done; 2) a lady (No name given) who stated the presentation today was to provide solutions to a shared problem and discussed a permanent housing facility in Charlotte, North Carolina, and stated the important factor was to get the homeless from transitional housing to permanent housing, adding there were possible ways to bridge the gap between the housed and the homeless and reviewed various solutions; 3) Georgia Williams discussed emergency homeless shelters and gave examples of a San Francisco shelter, a San Luis Obispo shelter called Maxine Lewis Memorial Shelter and a shelter in Carson City Nevada; 4) Gerry Bill reviewed transitional housing from Tent City to a small village with permanent structures and provided an example called Dignity Village located in Portland, Oregon, adding Placerville CA had a housing facility named Hangtown Haven, and stated Opportunity Village, which was a pilot program of micro-homes located in Eugene Oregon; 5) Georgia Williams spoke of conversion of unused, unoccupied buildings such as Veterans Village in Las Vegas which was a retrofitted hotel, and Chicanos Por La Causa in Phoenix, Arizona, adding the facility would open in the winter of 2014; 6) Gerry Bill discussed the Eco Village project in Fresno, adding Art Dyson would design and head the construction, adding each unit would cost approximately \$3,000.00; 7) Dixie (no last name given) continued with the review of Eco Village and provided a sample of the Eco Village layout, adding this project was a project of people working together to build a community and also spoke of permanent housing

and provided two examples of the New Beginnings and Hutchison Loft Apartments; 8) Gerry Bill stated the presentation provided several ways to bridge the gap, adding the solution were highly appropriate for Fresno.

President Xiong thanked the group for providing the presentation and providing options and solutions. Ms. Williams stated emergency, transitional and permanent housing were all necessary to help the homeless people in the community. Councilmember Quintero questioned which housing project would be best suited for the city stated with the limited resources on hand with Ms. Williams stating with winter coming emergency housing would be the best place to start.

Acting President Brandau thanked the group and added it was a very good presentation and thanked the group for providing solutions, stating if they could obtain private donated land for the project the Council would assist with minimizing the impacts to the project with Councilmember Olivier concurring. Acting President Brandau questioned the liability insurance with homeless shelters with Ms. Williams said each facility carried their own insurance, adding the City was not responsible for the situation but felt the City was responsible for space, adding the importance of receiving services from the County to make it work. Acting President Brandau requested the group contact the Board of Supervisors and ask to be placed on their agenda to make the same presentation.

Councilmember Baines thanked the group for a good presentation, stating he was in support of transitional housing, adding it was very critical for the County to participate. Councilmember Baines stated he attended a meeting last Friday with a group who were proposing the Eco Village, stating the project needed to include the County to discuss the transition and the importance of the project being fully described and thought out, adding it was an essential part of solving the issue. Councilmember Brand left the meeting at 12:07 p.m. Brief discussion ensued on the location of the Eco Village project.

UNSCHEDULED COMMUNICATION – CLOSED SESSION:

Doug Vagim spoke to the litigation matter his name was listed on, stating he was well within his rights under Proposition 218, to do an initiative, adding their initiative did not ask to lower rates or put to the voters from now on anytime a rate was raised. Mr. Vagim stated this was a case where the City was filing a suit referred to as a “slap suit” – “strategic lawsuit against public participation,” and requested Council allow people to have the opportunity to vote. Mr. Vagim stated the Government Code that allowed Council to go into closed session also required Council announce how they voted in open session.

LUNCH 12:12 P.M. – 1:30 P.M.

CLOSED SESSION:

(4A) CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (D)(4)

#1 CITY OF FRESNO V. DOUG VAGIM, DIANE SMITH, AND STEVE WAYTE, ET.AL.

(4B) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (D)(1)

#1 PAMELA DESOUZA, ET AL. V. CITY OF FRESNO, FRESNO COUNTY SUPERIOR COURT CASE NO. 12CECG03068

(4C) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

#1 IUOE, STATIONARY ENGINEERS, LOCAL 39 (L39)

#2 FRESNO CITY EMPLOYEES ASSOCIATION (FCEA)

#3 FRESNO POLICE OFFICERS ASSOCIATION (FPOA BASIC)

#4 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (FIRE BASIC)

#5 AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)

#6 INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 100 (IBEW)

- #7 FRESNO POLICE OFFICERS ASSOCIATION (FPOA MANAGEMENT)
- #8 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 753 (FIRE MANAGEMENT)
- #9 CITY OF FRESNO PROFESSIONAL EMPLOYEES ASSOCIATION (CFPEA)
- #10 CITY OF FRESNO MANAGEMENT EMPLOYEES ASSOCIATION (CFMEA)
- #11 FRESNO AIRPORT PUBLIC SAFETY SUPERVISORS (FAPSS)

The City Council met in regular closed session in Room 2125 at the hour of 1:30 p.m. to consider the above matters and adjourned thereafter. City Attorney Sloan announced City Council authorized by a vote of 5 - 2 (Quintero and Olivier voting no) to file a legal action against Doug Vagim, Diane Smith and Steve Wayte concerning their Proposition 218 initiative and emphasized this was for declaratory relief only and the City was not requesting any personal judgment against the individuals.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 3:00 p.m. having arrived and hearing no objection, President Xiong declared the meeting adjourned.

Approved on the 3rd day of October, 2013.



Blong Xiong, Council President

ATTEST: 

Cindy Bruer, Deputy, City Clerk